

FROM McANDREWS, HELD, & MALLOY

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TRANSMISSION REPORT  
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**McAndrews, Held & Malloy, Ltd.**

# Fax

**To:** Examiner J. Crepeau  
Group Art Unit 1746  
U.S. Patent and Trademark Office

**From:** Robert W. Fieseler

**Fax:** (571) 273-1299

**Date:** February 3, 2004

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**Page:** 4

**Re:** USSN 09/822,693

**CC:**

**Client/Matter:** Ballard/0590-12015US05

☒ **Urgent**    ☒ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

**•Comments:**

As Examiner Crepeau recently requested by telephone, a Terminal Disclaimer is attached, which contains authorization to charge the \$110.00 fee for submitting a Terminal Disclaimer to Deposit Account No. 13-0017.

Attorney Docket No. 12015US05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:

JOY A. ROBERTS,  
MARIAN VAN DER GEEST,  
JEAN ST-PIERRE,  
DAVID P. WILKINSON,  
ALVIN LEE and  
STEPHANIE MOROZ

SERIAL NO. 09/822,693

FILED: MARCH 30, 2001

FOR: METHOD AND APPARATUS FOR  
INCREASING THE TEMPERATURE  
OF A FUEL CELL

GROUP ART UNIT 1746

EXAMINER: J. Crepeau

CERTIFICATE OF  
FACSIMILE TRANSMISSIONI hereby certify that  
this correspondence is  
is being transmitted by  
facsimile to Examiner J.  
Crepeau at facsimile  
number (571) 273-1299,  
on this date:February 3, 2004Robert W. FieselerRobert W. Fieseler  
Registration No. 31,826TERMINAL DISCLAIMERCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

The undersigned represents that he is a representative  
authorized to sign on behalf of the assignee identified below  
owning all of the interest in the above-identified patent  
application.

The assignee of the above-identified application is Ballard  
Power Systems Inc., a corporation organized and existing under

the Canadian Business Corporations Act, and having a place of business at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9.

The assignment of the above-identified application to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on July 23, 2001, at Reel 011999, Frame 0441.

U.S. Patent No. 6,472,090, entitled "Method And Apparatus For Operating An Electrochemical Fuel Cell With Periodic Reactant Starvation", which issued on October 29, 2002, is also assigned to Ballard Power Systems Inc. The assignment from individual named inventors (Kevin Michael Colbow; Marian van der Geest; Cindy J. Longley; Jens Muller; Joy Roberts; Jean St-Pierre; Peter Urban; Regina Wezel; David P. Wilkinson; Jiujun Zhang) to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on April 29, 2002, at Reel 12851, Frame 0081.

Ballard Power Systems Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration of U.S. Patent No. 6,472,090 issued on October 29, 2002, and Ballard Power Systems Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period as the legal title to said patent shall be the same

as the legal title to U.S. Patent No. 6,472,090, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

The evidentiary documents referred to in this Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee Ballard Power System Inc.'s knowledge and belief, title is in the assignee.

Please charge the \$110.00 fee for submitting a Terminal Disclaimer to Deposit Account No. 13-0017.

Respectfully submitted,



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Dated: February 3, 2004